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[Additional Counsel Appear on Signature Page]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re FOUNDRY NETWORKS, INC.  
DERIVATIVE LITIGATION

Case No. C-06-05598-RMW

This Document Relates To:

All Matters

STIPULATION AND ORDER RE: HEARING ON MOTION TO DISMISS AND CASE MANAGEMENT CONFERENCE

Date: March 14, 2008  
Time: 10:30 a.m.  
Court: The Honorable Ronald M. Whyte

WHEREAS, pursuant to the parties' prior stipulation dated January 24, 2008 (the "January Stipulation") and Order of this Court dated January 30, 2008 (the "January Order"), on March 14, 2008, the Court is currently scheduled to hear oral argument on Nominal Defendant Foundry

STIPULATION AND ORDER RE: HEARING ON MOTION TO DISMISS AND CASE MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)

1 Networks, Inc.'s Motion to Dismiss Consolidated Derivative Complaint (the "Motion to Dismiss")  
2 and hold a Case Management Conference; and

3 WHEREAS, the purpose of the January Stipulation and January Order was to reschedule the  
4 hearing on the Motion to Dismiss and Case Management Conference to March 14, 2008 in order for  
5 the parties to engage in settlement discussions;

6 WHEREAS, since the January Stipulation and January Order, the parties have continued to  
7 engage in settlement negotiations and, based on the progress thereof, have determined that it has not  
8 been necessary to schedule a mediation as of yet;

9 WHEREAS, the parties have agreed to continue the Motion to Dismiss hearing and the Case  
10 Management Conference until April 18, 2008, or to such other date Ordered by the Court;

11 THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs, Foundry Networks, Inc.  
12 and all of the remaining Individual Defendants, through their respective counsel of record, as  
13 follows:

14 1. The hearing on nominal defendant Foundry Networks, Inc.'s Motion to  
15 Dismiss is rescheduled to April 18, 2008 at 9:00 a.m.

16 2. The Case Management Conference is rescheduled to April 18, 2008 at 10:30  
17 a.m. XXXX

18 3. The parties agree that, by entering into this stipulation, they do not waive any  
19 claim, argument or defense that they may have in this action and that nothing in this stipulation  
20 limits the rights of any party to take any action not inconsistent with its express terms.

21 Dated: March 12, 2008

SCHIFFRIN BARROWAY TOPAZ &  
KESSLER LLP

23 [s] Nichole Browning

24 By: NICHOLE BROWNING  
25 Co-Lead Counsel for Plaintiffs  
26

1 Dated: March 12, 2008

KELLER ROHRBACK L.L.P.

2  
3 [s] Juli E. Farris

4 By: JULI E. FARRIS  
5 Co-Lead Counsel for Plaintiffs

6 Dated: March 12, 2008

DLA PIPER US LLP

7 [s]Gerard A. Trippitelli

8 By: GERARD A. TRIPPITELLI  
9 Attorneys for Nominal Defendant Foundry  
10 Networks, Inc. and Defendants Laurence L.  
11 Akin, Ken K. Cheng, John P. Burger, Benjamin  
12 D. Taft, Paul L. Twombly, Richard W. Bridges,  
Chandra Kopparapu, Ivy Pei Shan Hsu, Karl D.  
Triebes, Lee Chen, Robert W. Shackleton,  
William S. Kallaos, Andrew K. Ludwick

13 Dated: March 12, 2008

14 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

15 [s] Cynthia A. Dy

16 By: CYNTHIA A. DY  
17 Attorneys for Defendant Bobby R. Johnson, Jr.

1 Dated: March 12, 2008

KEKER & VAN NEST LLP

2  
3 [s] Elliot R. Peters

4 By: ELLIOT R. PETERS

Attorneys for Defendant Timothy D. Heffner

5 Dated: March 12, 2008

COOLEY GODWARD KRONISH LLP

6  
7 [s] John C. Dwyer

8 By: JOHN C. DWYER

9 Attorneys for Defendants Alfred J. Amoroso, C.  
Nicholas Keating, Jr., and J. Steven Young

10  
11 **Attestation Pursuant to General Order 45**

12 I, Nichole Browning, attest that concurrence in the filing of this document has been obtained  
13 from the other signatories. I declare under penalty of perjury under the laws of the  
14 United States that the foregoing is true and correct. Executed this 12th day of March, 2008 at  
15 Walnut Creek, CA.

16 [s] Nichole Browning

17 By: NICHOLE BROWNING

18 \* \* \* \*

19 **XXXXXXXXXXXXXXXXXXXX ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: **3/13/08**

22 *Ronald M. Whyte*  
23 THE HONORABLE RONALD M. WHYTE  
24 UNITED STATES DISTRICT JUDGE

25  
26  
27 STIPULATION AND **XXXXXXXXXXXX** ORDER RE: HEARING ON MOTION TO DISMISS AND CASE  
MANAGEMENT CONFERENCE (Master File No. C-06-05598-RMW)